



Women's Political Rights in International Law and Practice in Vietnam

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ARTICLE INFO

Article History:

Received 26.03.2024
Accepted 05.05.2024
Published 30.06.2024

Keywords:

Political rights, International conventions, Women, Human rights, Vietnam

ABSTRACT

As one of the fundamental human rights, political rights guarantee that persons can equally participate in socio-political life or management of the state and society without any unreasonable restriction. Ensuring women's political rights is an important basis for improving women's status in society. Although ensuring women's political rights has gained many achievements in Vietnam, there are still many limitations. Through a systematic analysis of the provisions of the International Conventions on Human Rights, the article explains the content of women's political rights and defines the obligations that must be complied with by the member states to ensure the political rights of women. In addition to practical analysis, the data about the exercise of political rights of women, such as the percentage of female deputies to the National Assembly, the percentage of women participating in the People's Council, female cadres and civil servants participating in the political processes are collected, thereby the article makes some comments on the achievements and limitations in performing national obligations of Vietnam to ensure political rights of women. The article points out the causes of the limitations and proposes solutions to improve the effectiveness of ensuring women's political rights in Vietnam.

INTRODUCTION

To understand the concept of women's political rights, it is necessary to clarify the concept of politics. Politics is an objective phenomenon of social life, an important part of the superstructure in society that forms the state; it is expressed through class, national, and international relations in gaining, retaining, and exercising state power and people's participation in state affairs. There are many different definitions of political rights. According to Black's Law Dictionary, political rights are the rights that can be exercised during the establishment or management of government. The rights of citizens are established or recognized by the Constitution so that they can participate directly or indirectly in the establishment or management of government. According to the Law Dictionary (1999), political rights are defined as the rights of citizens to participate in state management. It is considered the most important right of citizens in their lives by which they exercise their rights to master the country and society. Political rights are exercised in many different ways, such as the rights to vote or stand for election to state agencies, to participate and contribute opinions in the development of social policies, to participate in building and developing the laws, to monitor the activities of state agencies and social organizations, to make recommendations to state agencies, and to vote when the state conducts a referendum.

Human rights generally include civil-political rights and economic-social-cultural rights. In particular, women's political rights are important human rights of women, including the right to vote, the right to stand for election, and the right to participate in state management, etc. These rights are guaranteed by the constitution and the law, establishing equality between women and men in their legal capacity to participate directly or indirectly in state and social management. In the global development trend, women's rights attract more attention from society. Enhancing the position of women in politics plays a particularly important role in enhancing the position of women in society, as how women exercise their political rights is one of the best measurements for evaluating the role of women in political life in particular and society in

general. Women's political rights have the following main characteristics:

Firstly, women's political rights are a factor that positions women's and men's equality in political and social life. Thereby, the participation of women in the decision-making process associated with their rights and obligations in all fields is ensured. This is equality, in essence.

Secondly, women's political rights are a legal form demonstrating the democratic and equal nature of society. Women's participation in the decision-making process at all levels ensures that state policies take gender equality into account and reflect democracy in society. According to the United Nations Charter on the Elimination of All Forms of Discrimination against Women, the exercise of women's political rights must be guaranteed by three principles: equality, non-discrimination, and responsibility of member states, in which responsibility of member states ensure the social democracy concerning to women's political rights.

Thirdly, the exercise of women's political rights is the condition for the full realization of women's economic, cultural, and social rights, as human rights are the unification of two groups of rights: political-civil rights and economic-cultural-social rights. It has practically been proven that women only have the opportunity to exercise their rights when they are involved in leadership and management in society. Therefore, political rights are the most basic and important rights to achieve gender equality.¹

The exercise of political rights is a measure of gender equality. However, a gap still exists between the rights stipulated by the law and practice. The average proportion of women participating in national legislatures is only 16%, in the United Nations embassies is 9%, and in cabinets is 7%. The number of countries with women serving as the head of government (president or prime minister) is just 7 of the 190 countries in the world. The proportion of women serving in parliaments is a criterion for evaluating women's participation in the political system. As of 2009, only 23 countries in the world achieve a rate of 30% or more of women serving parliament.²

1 Uyen N.T. T. (2018). The exercises of women's political rights in Vietnam today, *Journal of Political Theory Ho Chi Minh National Academy of Politics*, (4) pp. 10-17.

2 Hanh N.T.V, (2015). Women's participation in the political system in Vietnam today, *Journal of Political Theory Ho Chi*

1. METHODOLOGIES

The article uses the method of synthesizing and generalizing the content of international instruments on women's political rights to point out the national obligations of Vietnam to ensure women's political rights. By data collection and analysis methods, the article evaluates women's participation in international commitments and assesses the practical exercise of women's political rights in Vietnam concerning the exercise of men's political rights. Moreover, using historical methods, the article points out the formation and development of Vietnamese law on women's rights. Based on the current practice in Vietnam, the article proposes several recommendations to strengthen the exercise of women's political rights in Vietnam.

2. STUDY RESULTS

2.1. Women's Political Rights in International Instruments and the Participation of Vietnam

Women's political rights are recognized in many international instruments. The instruments on women's political rights include two main groups: (1) international instruments recognizing political rights for humans in general based on promoting equality in dignity, such as the Universal Declaration of Human Rights 1948, Convention on Civil and Political Rights 1966; and (2) international instruments recognizing women's rights, including Convention on the Political Rights of Women 1952, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) adopted by the United Nations General Assembly in 1979; The Beijing Declaration and the Platform for Action adopted at the Fourth World Conference on Women held in Beijing (China) in 1995; Millennium Declaration at the Millennium Summit held by the United Nations in 2000 in New York (USA). Specifically:

The preamble to the 1945 Charter of the United Nations (UN) emphasized the equality of rights between men and women. On that basis, the Universal Declaration of Human Rights (1948) established the fundamental principle to ensure the equal rights of men and women in Articles 1 and 2:

"All human beings are born free and equal in dignity and rights, have reason and conscience and should treat each other in a spirit of brotherhood. Everyone is entitled to the freedoms outlined in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political opinion or belief, national or social origin, property, birth or any other status".³

Article 3 of the International Covenant on Civil and Political Rights (ICCPR) also specifically protects the equal right of women to participate in political and civil life.⁴ The Human Rights Committee emphasizes that state parties to ICCPR must "take effective and positive measures to promote and ensure the participation of women in the conduct of public affairs and public authorities, including appropriate affirmative action".⁵ Vietnam became a state party of ICCPR on September 24, 1982. According to the provisions of Article 40 of this Convention, Vietnam has fulfilled the obligation to submit three reports on the implementation of ICCPR in 1989, 2002, and 2019.

Convention on the Political Rights of Women 1952 stipulates that women have the right to vote in all elections on an equal basis with men, without any discrimination (Article 1). Women have the right to be elected to all public bodies established by national laws on an equal basis with men, without discrimination (Article 2). Women have the right to work in public agencies and perform all public functions established by national law on an equal basis with men, without discrimination (Article 3). Unfortunately, Vietnam has not joined this Convention.

The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) recognizes the principle of equality between men and women in all fields. The preamble to the Convention stresses that: "The full and comprehensive development of a country, the welfare of the world, and the cause of peace require the maximum participation of women in all fields on equal terms with men". Articles 7 and 8 of CEDAW stipulate that States Parties to the Convention must

3 United Nation General Assembly. (1948). *Universal declaration of human rights* (217 [III] A). Paris.

4 United Nation Human Rights Committee. (March 29, 2000). *General Comment No. 28: Article 3 (The equality of rights between men and women)*, HRI/Gen/1/Rev.9 (Vol I).

5 Human Rights Committee. (2000), *ibid.* Section 29.

Minh National Academy of Politics, (10) pp. 8-17.

apply all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, ensure that women, on an equal basis with men, enjoy the following rights:⁶ (a) to vote in all elections and referenda, to be eligible for election in all elected bodies; (b) to participate in developing and formulating government policies, to serve in the power structures and all public functions at all levels of government; (c) to participate in non-governmental organizations and social associations related to the public and political life of the country (Article 7). States Parties to the Convention must take all appropriate measures to ensure that women can represent their Governments in international forums and participate in the work of international organizations on equal terms with men and without any discrimination (Article 8). Article 11 of CEDAW and Article 14 of the Convention eliminate all forms of discrimination against women in labour and employment. Article 10 of CEDAW specifies that women and men are equal in terms of culture and society (school age, training, professional education, choice of study, access to training, and enjoyment of education and training policies). To implement this provision, the CEDAW Committee discusses and gives general recommendation No. 23 on measures that should be taken by state parties to support and encourage women to exercise their right to participate in politics, including three groups of measures.

To ensure women's right to vote and stand for election, the state parties shall: (i) ensure a balanced ratio between women and men in holding publicly elected positions; (ii) help women understand the importance and ways to exercise their right to vote; (iii) overcome the barriers such as illiteracy, language, poverty, and other obstacles to exercising women's political rights; (iv) Help women overcome those barriers to exercise their right to vote and stand for election.

To ensure women's right to participate in developing policies and laws and hold positions in government, the state parties shall (i) ensure women's representation in the policy-making process of government; (ii) ensure that women have

actual and equal rights to holding positions; (iii) ensure women-targeted recruitment processes are open and attractive.

To ensure women's right to participate in social organizations, the state parties shall (1) enact effective laws prohibiting discrimination against women and (2) encourage non-governmental organizations, political associations, and communities to agree on strategies encouraging the representation and participation of women. In addition, Recommendation No. 23 also requires state parties, in case of necessity, to take special temporary measures by each period to increase the rate of women's participation in socio-political activities by training, educating, encouraging, and providing financial support for female officials, to set certain targets on the ratio of women serving in all levels of government as long as such a measure is appropriate and motivating.

CEDAW is one of the most widely and internationally recognized conventions on human rights, aiming to eliminate all forms of discrimination against women and help women have equal opportunities, develop their capacity, and participate in and benefit from various activities. According to the CEDAW Committee, 186 countries in the world ratify or sign the Convention, accounting for more than 90% of United Nations members. Vietnam was one of the first countries in the world to sign and join the Convention on July 29, 1980, and it was ratified on November 27, 1981. Since joining the Convention, Vietnam has made many efforts to internalize CEDAW, developed laws on gender equality, and actively conducted and completed periodic reports on the implementation of the Convention to the Secretary General of the United Nations. The CEDAW Committee has appreciated the achievements and efforts of Vietnam in implementing CEDAW since the Committee reviewed the 5th and 6th periodic reports of Vietnam in 2006.

Convention on the Political Rights of Women 1952, taking effect on July 7, 1954, specifies the obligation of state parties to adopt measures to equalize the enjoyment and exercise of political rights of men and women in accordance with the provisions of the United Nations Charter and Declaration of Universal Declaration of Human Rights. The political rights mentioned in the Convention include voting or standing for election, holding

⁶ Vietnam was one of the first countries in the world to sign and join the Convention on July 29, 1980, and was ratified on November 27, 1981.

in state agencies, and performing all public functions in accordance with the law. The Convention now has 123 state members, while Vietnam is not a member of this Convention.⁷

According to the Beijing Declaration and Platform for Action (1995), women's empowerment and decision-making positions are important in its 12 Strategic Goals. Specifically, the Declaration instructs state parties to "take measures to encourage political parties to include women in elected and non-elected public positions in the same proportion and at the same levels as men" (Strategic objective G.1.b) (the Fourth World Conference on Women, 1995).⁸ Resolution 66/130 on women and women's political participation was adopted by the General Assembly (2011) and called on state parties to "increase women's political participation"⁹ (paragraph 3). SDG target 5.5 explicitly calls on States to "guarantee women's full and effective participation and equal opportunities for leadership at all decision-making levels in political, economic, and public life".¹⁰ Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women in Beijing (China) in 1995 affirmed its determination to advance the goals of equality, development, and peace for all women everywhere in the world for the benefit of all humanity. Vietnam adopted and committed to implementing the Beijing Declaration and Platform for Action 1995 with 12 goals, including decision-making and power structures and other goals such as poverty, education and training, health, violence, armed conflict, economics, human rights, media, environment, and girls.

The above analysis indicates that international human rights instruments commonly recognize

women's political rights. Most of the instruments affirmed that women have the right to fully enjoy human rights on equal terms with men. Particularly, the Convention on the Elimination of All Forms of Discrimination Against Women 1979 and Convention on Women's Political Rights 1952 stipulate and directly address women's political rights and the obligation of state members to adopt specific measures to ensure and promote women's political rights, such as promulgating and developing the laws prohibiting discrimination against women, ensuring a balanced proportion between women and men in holding elected positions, enhance education to help women understand the importance and ways to exercise the right to vote, apply temporary measures to increase the proportion of women participating in political life. As a state member of the above international commitments, Vietnam must apply measures to ensure and promote women's political rights.

2.2. Vietnamese Law on Women's Political Rights

The Women in Politics 2009 map, created by the Inter-Parliamentary Union (IPU) and UN, Women shows that women in the world tend to participate more deeply in political-social life. In Vietnam, women participated in leadership a long time ago. In the 1st century, Ba Trung and Ba Trieu led the people to fight for independence and freedom of the country. With a tradition of patriotism, hard work, and creativity, women have played an important role in the history of building and defending the country and have been an indispensable driving force for the comprehensive development of Vietnamese society. As a result, even though Vietnam is one of the Southeast Asian countries heavily influenced by male chauvinism, the Vietnamese legal system recognized and protected women's political rights from early times.

Women's political rights are recognized throughout the Vietnamese Constitution. The 1946 Constitution stipulates two basic and general rights of Vietnamese citizens: "All Vietnamese citizens have equal rights in all aspects including politics, economy, and culture" (Article 6) and "All Vietnamese citizens are equal before the law" (Ar-

7 United Nation (1953), *Convention on the Political Rights of Women*, New York. https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVI-1&chapter=16&clang=en [Last access: 21 Jun, 2023].

8 United Nations Specialised Conferences (1995), *Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women*, https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf [Last access: 21 Jun, 2023].

9 United Nations (2012). *Women and political participation*, A/RES/66/130, <https://undocs.org/en/A/RES/66/130> [Last access: 20 February, 2023].

10 United Nations Department of Economic and Social Affairs. (2023). *The Sustainable Development Goals Report 2023: Special Edition* p. 23. New York, USA: UN DESA. © UN DESA. <https://unstats.un.org/sdgs/report/2023/> [Last access: 20 February, 2023].

Article 7). In particular, the most important political right of citizens specified by the Constitution is “the right to participate in the government and national development depending on your talents and virtues” (Article 7). Moreover, the 1946 Constitution also states that such participation is encouraged “regardless of race, sex, class, or religion” (Preamble to the 1946 Constitution). The 1959 Constitution inherits and supplements more detailed articles on political rights and emphasizes the legality of political rights. Vietnamese citizens, thereby, have equal rights to vote and stand for election, recall, complain, and denounce. The 1980 Constitution continues to reaffirm the principle of equality before the law of all citizens as a constitutional principle of establishing citizens’ rights. The Constitution also stipulates that political right is the right to participate in managing the affairs of the State and society. According to the 1992 Constitution, “Female and male citizens have equal rights in all aspects of politics, economics, culture, society, and family”. It provides more specific and detailed regulations on political rights and emphasizes the guarantee of the entire political system for the implementation of citizens’ political rights by the most serious and equal approach. The 2013 Constitution states that male and female citizens are equal in all aspects; the State, society, and family shall help women develop comprehensively and promote their societal role. The 2013 Constitution has many groundbreaking provisions that positively impact women’s political rights. These provisions are expressed not only in Chapter II but also throughout the whole Constitution. Everyone, thereby, must respect the rights of others. Everyone is equal before the law. No one shall be discriminated against in political, civil, economic, cultural, and social life. Male and female citizens are equal in all aspects. The State, society, and family shall help women develop comprehensively and promote their societal role. Gender discrimination is strictly prohibited.

Inheriting the Constitution, Vietnamese Gender Equality Law 2006 directly and comprehensively regulates the issues of both women’s and men’s political rights. To internalize the spirit of the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Clause 3, Article 5 of Gender Equality Law pro-

vides that “Gender equality means that men and women have equal positions and roles, are given equal opportunities and conditions to develop their abilities for the development of the community, family, and equally enjoy the achievements of that development. Moreover, to ensure compliance with regulations on the political equality of women, Article 40 of Gender Equality Law 2006 provides the behaviours considered as violations of gender equality law in many fields. Particularly, the behaviours that violate the law on gender equality in the field of politics include: (i) Obstructing men or women from self-nominating or nominating candidates to the National Assembly, People’s Councils, to lead the political organizations, socio-political organizations, socio-political and professional organizations due to gender prejudice; (ii) Not implementing or hindering the appointment of men and women to managers, leaders or professional positions due to gender bias; (iii) Applying and implement discriminatory regulations in village codes, community regulations or in regulations and rules of agencies and organizations. Furthermore, the Labor Code 2012, Civil Code 2015, Penal Code 2015, Criminal Procedure Code 2015, Law on Domestic Violence Prevention and Control 2007, Law on Marriage and Family 2014, etc, also provide regulations to protect women’s and men’s political rights.

By studying the content of Vietnamese law, it can be seen that the content of women’s political rights in Vietnam focuses on the following contents:

Right to vote and stand for election: Decree No. 14 on General Elections to the National Assembly of Vietnam, issued on September 8, 1945, stipulates that “All Vietnamese citizens, both men and women, aged from 18 and above have the right to vote and stand for election, except for those who have been deprived of their citizenship rights and those with abnormal minds”. That was considered a progressive provision of Vietnam compared to many countries in the world at that time. Particularly, in the first Constitution of Vietnam in 1946, Article 9 states, “Women and men have equal rights in all aspects”. Inheriting and developing the provisions of the Constitution 1946, the Constitutions 1992 and 2013 deeply constitute women’s rights. The Constitution 2013 provides detailed provisions on women’s rights by inheriting and developing the

provisions of the 1992 and previous constitutions. In Chapter II of the Constitution 2013, human rights in general and women's rights, in particular, are constituted, in which women's rights are stipulated from Article 14 to Article 49. Specifically, Article 27 provides that citizens aged 18 and above have the right to vote, and citizens aged 21 and above have the right to stand for election in the National Assembly and People's Councils. The exercise of these rights is prescribed by law. In addition to the above rights, women also have the right to (1) be given conditions by the State, society, and family to develop comprehensively and promote their role in society (Clause 2, Article 26); (2) be protected by the State in term of marriage and family, the rights of mothers and children (Clause 2, Article 36); and (3) the State, society and family shall protect and care for the health of mothers and children, and family planning (Clause 2, Article 58).

Women's right to participate in developing policies and laws and hold positions in Government: In Article 11 of Vietnamese Gender Equality Law, gender equality in the political field is prescribed as follows: (1) Men and women are equal in participating in state management and social activities; (2) Men and women are equal in participating in building and implementing village codes, community regulations or rules and regulations of agencies and organizations; (3) Men and women are equal in vote or to be voted as National Assembly and People's Councils deputies, are equal in self-nominating as candidates and in nominating candidates to leaders of political organizations, socio-political organizations, socio-political-professional organizations; (4) Men and women are equal in professional qualifications and age for promotion and appointment to the same positions of manager and leader of agencies and organizations; and (5) Measures to promote gender equality in the field of politics include: Ensuring an appropriate proportion of female deputies in National Assembly and People's Councils in accordance with national goals on gender equality; Ensure an appropriate proportion of women in appointing officials in state agencies in accordance with the national goal of gender equality. Vietnamese Law on the Election of Deputies to the National Assembly and People's Councils provides that the number of female deputies in the National Assembly

and People's Councils at all levels must ensure at least 35% of the total number of candidates on the official list. Targets of resolution No. 26-NQ/TW of the Party in 2018 are that the proportion of female Party members at all levels reaches 20-25% and the rate of female deputies to the National Assembly and People's Councils at all levels is over 35%. Moreover, according to the gender equality strategy for 2021-2030, the proportion of female managers in state agencies and local authorities at all levels will reach 60% by 2025 and 75% by 2030.

To facilitate women to participate in state management and define the responsibilities of administrative agencies at all levels in creating favourable conditions for women to participate in state management, on March 7, 2003, the Government issued Decree No. 19/2003/ND-CP regulating the responsibilities of state administrative agencies at all levels in ensuring that the Vietnam Women's Union at all levels participates in management. Women's Union at all levels, thereby, shall (1) participate in state management by discussing and providing comments on the construction, amendment, and supplementation of legal documents, economic and social development programs and plans, and policies related to women and children; (2) be an official member of the organizations consulting the state administrative agencies at all levels about the issues related to women and children; (3) participate in the meetings to collect opinions on the implementation of guidelines, laws, and policies, to detect the violations of the legal and legitimate rights and interests of women and children; and (4) join the delegations to inspect the issues related to the legal rights and interests of women and children. Moreover, state administrative agencies at all levels are responsible for creating favourable conditions for the activities of the Women's Union at all levels by funding, creating good working conditions, providing equipment, and assisting women in solving social issues related to the advancement and equality of women in accordance with laws and state policies.

In addition to developing and promulgating national laws, Vietnam make efforts to implement policies and solutions to promote women's political rights, such as National Action Plan for the Progress of Women to the year 2000, National Strategy on Gender Equality for the period 2011-

2020, National Program on Gender Equality for the period 2011-2015, projects and programs on prevention and response to gender-based violence, communication on gender equality, etc and National Strategy on Gender Equality for the period 2021-2030. Thus, Vietnam has a relatively comprehensive legal framework and policies to promote gender equality, including regulations to promote women's political rights.

2.3. Practice of Women's Political Rights in Vietnam

Thanks to the provisions of the law, the role and status of Vietnamese women in all the fields of economy, politics, and society are increasingly enhanced for them to have more opportunities to contribute to the family, and society. Vietnamese women prove their extremely important roles. They participate in management and hold important positions in most areas of social life. The female officials prove their significant improvement. The number and qualifications of female officials are constantly growing. Specifically:

Women participate in management and work as senior leaders, such as Politburo members, Standing Party Central Secretariat Committee members, and Vice President. There are currently five female Provincial Party Secretaries. The proportion of female deputies in the 15th National Assembly of Vietnam is 30.26%, ranking 51st globally and 4th in Asia. According to statistics, as of December 2022, 15 of the 30 ministries, ministerial-level agencies, and Government agencies have key female leaders. It increases by 3.4% compared to 2021. The number of ministries and ministerial-level agencies having key female leaders is 13 of the 22, increasing by 6% compared to 2021. In addition, 2 of the 8 Government agencies have key female leaders, accounting for 25%. Compared to 2021, the number and proportion of ministries, ministerial-level agencies, and Government agencies with key female leaders increased significantly. The proportion of ministries and ministerial-level agencies with key female leaders now reaches 60% of the total target until 2025. As of early March 2023, 19 female officials (accounting for 9.5%) participated in the 13th Party Central Committee. Compared to

the previous term, the proportion of women participating in elected bodies also increased, with 151 female deputies participating in the 15th National Assembly, accounting for 30.2% (3.5% higher than the previous term and 30% higher than the target). The proportion of women participating in People's Councils at provincial and district levels reaches 29% (higher than the previous term)¹¹. The educational background and professional qualifications of female National Assembly deputies have gradually improved, with 100% having bachelor's, master's, and higher degrees. The status and role of female National Assembly deputies in the activities of the National Assembly are recognized and highly appreciated. Female National Assembly deputies promote their talents and work experience, spend a lot of time and make constant effort on research, actively and responsibly contribute to developing the law, and participate in supreme supervision and decision-making process to solve important issues of the country.

Women participate not only in state agencies, such as legislative, executive, and judicial bodies, but also in political, socio-political, and political-social-professional organizations. Particularly, the Vietnam Women's Union is a large political organization of women working for the equality and development of women, as well as the legal and legitimate rights and interests of women. The organization operates widely across the country from central to local and grassroots levels with women's branches.

At the Party committee levels, the participation of Vietnamese women in the political system has improved. In 2010, the proportion of female party members was 32.8%, a significant increase compared to 2005 with just 20.9%. The qualifications of women participating in politics are higher in terms of professional and management capacity. Many women become leaders and managers and hold key positions in the agencies for which they work. With the superior personalities of Vietnamese women, many of them have become excellent leaders.

More and more women participate in economic development. Female entrepreneurs account for

11 Government of Vietnam. (2022). *Report on the results of implementing gender equality goals in 2022*, at https://datafiles.chinhphu.vn/cpp/files/vbpg/2023/4/95bc_signed.pdf [Last access: 21 December, 2023].

26.5% of the total number of businessmen. Many women are awarded noble titles by the State, such as professor, associate professor, people's artist/teacher/physician/meritorious artist/teacher/physician.

Besides the initial achievements, the implementation of gender equality policies adopted by the Party and State still faces many difficulties in creating conditions for women to participate in political activities in quantity and quality. In most fields, the status of women does not commensurate with their potential and actual contributions. The gap between men and women in participating in political activities is still large in Vietnam.

With about 25% of women in the National Assembly, Vietnam has a higher proportion of women participating in politics than other countries in the region. However, the proportion of women accounts for just 12% of ministerial positions, 7% of deputy ministerial positions, 12% of directors, and 8% of deputy directors in civil fields. The proportion of women holding senior positions in key sectors, such as education, judiciary, and even industries where women are the majority, is quite low.¹² The number of female members accounts for one-third of total Party members, a very low proportion that results in fewer women being promoted and elected to important management positions in the Government. The proportion of women holding key management positions is about 10% at all levels. Furthermore, despite participating in managing committees, most female committee members are merely in charge of administrative tasks, with little connection to strategic tasks.¹³ The proportion of women in the National Assembly is higher than regional standards, but it is not stable over terms. At the provincial level, the number of women serving as leaders in all sectors is low, if there are any, in the health, education, and social policy sectors. According to the study "The role, activities

and contributions of Vietnamese female elected representatives in the period 2016-2021", female deputies mostly work for public policies in fields such as education, health care, and employment, while their participation in other important fields, such as public finance, national security, security, and economic policy is very limited.¹⁴

3. DISCUSSION

The above analysis shows that Vietnam actively participates in international commitments on human rights, including commitments on women's rights. Although Vietnam is a Southeast Asian country heavily influenced by male chauvinism, the idea of equality between men and women was formed and recognized quite early in Vietnamese law. Along with the development of society, by implementing international commitments to ensuring women's political rights, especially CEDAW, Vietnamese law on ensuring political rights is increasingly improved and comprehensive. However, in practice, the exercise of women's political rights in Vietnam still faces many difficulties and limitations. This comes from several reasons, as below:

The first reasons are cultural-social prejudices and traditional roles of gender. Vietnam is a Southeast Asian country greatly influenced by Confucian ideology and "respecting men over women" or male chauvinism that prevents women from participating in socio-political activities, proving their talents, and having opportunities to strive and achieve the desired goals. Even though the socioeconomic context and social values in Vietnam changed, gender prejudice persists in society. When children are born, they are taught by their parents and relatives how to become a boy and a girl, then society always expects men to be "extroverted", men's role is "cultural" while women are "introverted", women's role is a "natural".¹⁵ This is

12 CEDAW Committee (2023), *Women's Rights and Retirement Age in Vietnam*, Electronic information portal of the Ministry of Justice of Vietnam. <https://moj.gov.vn/tctcl/tintuc/Lists/KinhNghiemQuocTe/Attachments/10/CEDAW.pdf> [Last access: 21 December, 2023].

13 Quy.L.T., & Nga. N.T. (2008), Women in Our Country Participating in Leadership and Management, *Vietnam communist Journal*, <https://tapchicongsan.org.vn/web/guest/nghien-cu/-/2018/3412/phu-nu-nuoc-ta-trong-viec-tham-gia-lanh-dao-va-quan-ly.aspx> [Last access: 18 December, 2023].

14 Khalidi, R. (2022). *The path toward gender parity in politics in Viet Nam*, UNDP Vietnam at <https://www.undp.org/vietnam/blog/vi-the-vai-tro-phu-nu-viet-nam-trong-doi-song-chinh-tri-xa-hoi> [Last access: 18 December, 2023].

15 Thuy, M. T. D. (2023). Gender prejudice on the issue of women participating in leadership and management in Vietnam today, *Vietnam Industry and Trade Journal*, at <https://tapchicongthuong.vn/bai-viet/dinh-kien-ve-gioi-voi-van-de-phu-nu-tham-gia-lanh-dao-quan-ly-o-viet-nam-hien-nay-106530.htm> [Last access: 21 December, 2023].

why the image of women is often associated with a “natural job”, being the one who “keeps the fire burning” in the family; their activities are merely in a “narrow space” of their houses and families. Women are expected to do simple and gentle activities. Meanwhile, men are often associated with external activities and are expected to be the “breadwinners” with strong and intellectual activities. Therefore, the scope of activities of women and men are divided separately. On the one hand, the notion that women are only suitable for housework is why husbands do not allow their wives to work or participate in social activities. On the other hand, as women have less freedom to choose a division of labour, they are forced to focus on just some specific occupations and face difficulties in new occupational groups or occupations dominated by men. The social tendency to evaluate men or women by gender prejudice creates unfair opportunities and conditions for both genders to participate in leadership and management positions and deprives women of equal opportunities in pursuing their self-development. This reason is responsible for the absence of women in strategic positions and the differences in expectations and potential development of men and women. Specifically, there is a conservative and traditional viewpoint that “ambition, braveness and determination” are positive and respectful characteristics of men that should be encouraged and create favourable conditions for “advancement and promotion”. On the contrary, for women, these characteristics are considered negative. As a result of gender bias, the evaluation of women leaders and managers is harsher than men. Women are often undervalued by society when they participate in positions that men usually hold. Therefore, men often do not like their leaders to be women, and women even do not like their leaders to be the same gender as them. This stereotype of leadership is why the image of female leaders is more blurred than men’s in the political system at all levels, this asserts a serious impact on their political careers and becomes the first barrier for women candidates when gender is one of the criteria for choosing personnel.

The second reason is the economy. In the economy, women are an important labour force in Vietnam. Accounting for 47.7% of the urban workforce

and 47.2% of the rural workforce,¹⁶ women work in all fields and dominate in some industries and occupations. However, in Vietnam, due to gender prejudice, as analyzed above, the specific jobs of women are often devaluated. Women are more likely than men to work in low-wage occupations and have less access to education, skills development, and employment opportunities. Although the number of the female labour force is high, the rate of qualified female workers is too low to meet the requirements of accelerated industrialization, modernization, and deep international integration. Female workers without professional qualifications account for 49.4%, mostly female workers in rural areas, middle-aged women, and ethnic minority women. The proportion of women working as housekeepers accounts for 94.7% of the total hired workers.¹⁷ The gap in income by gender also tends to widen. In 2021, the average monthly income of male workers is 7.7 million VND while the average monthly income of female workers is 5.7 million VND.¹⁸ Thus, the average monthly salary of male workers is about 2.0 million VND higher than that of female workers. As a result, many women are still economically dependent on their husbands, so their voices carry almost no weight in the family. Economic dependence leads to dependence on the division of jobs, obligations, and responsibilities. Moreover, as women have no economic autonomy, they have almost no opportunity to participate in socio-political activities.

The third reason comes from legal policies on labour and social security for women. The analysis of the second reason shows that female workers concentrate in the informal sectors outside the scope of labour law, so they rarely benefit from pensions, maternity allowances, unemployment

16 General Statistics Office Vietnam. (2021). *Report on Labor and Employment Survey in 2020*, Statistical publisher at https://www.gso.gov.vn/wp-content/uploads/2022/02/sach_laodong_2020_b6.pdf [Last access: 20 October, 2023].

17 General Statistics Office Vietnam. (2021). *Report on Labor and Employment Survey 2020*, Statistical publisher https://www.gso.gov.vn/wp-content/uploads/2022/02/sach_laodong_2020_b6.pdf retrieved on December 26/2023 [Last access: 20 February, 2023].

18 General Statistics Office of Vietnam. (2023). *Press release results of the 2023 residential living standard survey*, at <https://www.gso.gov.vn/tin-tuc-thong-ke/2024/04/thong-cao-bao-chi-ket-qua-khao-sat-muc-song-dan-cu-nam-2023/> [Last access: 20 February, 2023].

allowances, and health insurance. The difference in retirement age of men and women leads to age discrimination in planning, appointment, and promotion, which negatively affects the exercise of women's political rights.

CONCLUSION AND RECOMMENDATIONS

Vietnamese women always play an important role and make great contributions to the cause of socio-economic development, building and developing the country, as shown by the proportion of women's participation in all fields, especially politics. Women's participation in leadership and management is a basic measure of women's role in modern politics. International human rights instruments recognize the principle of equality between men and women and directly or indirectly affirm the need to protect and promote women's political rights and the obligations of state members in this issue. In Vietnam, the equality between men and women in protecting and promoting women's rights is consistent with the views expressed throughout the Constitution and laws. Vietnam now has a relatively complete legal and policy system to ensure women's political rights. These regulations help Vietnamese women better exercise their political rights. However, due to objective barriers, such as awareness, traditions, customs, and economic situation, exercising women's political rights is difficult and limited. To overcome these limitations, Vietnam shall continue to apply many positive solutions simultaneously to ensure better political rights for women. According to the author, shortly, Vietnam should pay special attention to the following solutions:

Solutions to raise awareness for women: it is necessary to build and establish a mechanism to ensure fair and equal education for both men and women, enhance adequate and comprehensive access to education and learning for female students, and set priority and mandatory policies for women in education. By learning and equipping themselves with enough knowledge and skills, women know their roles, status, and values to confidently participate in socio-political activities, fight for their legitimate rights, and, step by step,

eliminate the inequality between men and women in all fields.

Solutions to improve the law: Vietnam should focus on (1) developing and adopting many appropriate and effective guidelines, policies, and measures for female workers; (2) establishing sanctions that are reasonable and strong enough to deter and handle the violations hindering the development of women, depriving women of opportunities to work and female officials of participating in socio-political activities, promotion, and development; (3) create favourable conditions for women to actively participate in production and business, and (4) eliminate the gap in retirement ages of men and women. These solutions not only contribute to improving economic capacity and reducing women's economic dependence on men but also create conditions for women to participate in production on a large scale, reducing the burden of housework. With economic autonomy and improved knowledge, women will pay more attention to politics and proactively exercise their political rights.

Solutions to propaganda and advocacy: As analyzed, gender prejudice and cultural traditions in Vietnam are major barriers to the exercise of women's political rights. Therefore, it is necessary to strengthen education and propaganda about women's rights in general and women's political rights in particular to criticize, combat, and eliminate outdated concepts about the role of women in politics. Moreover, Vietnam should enhance propaganda and education for women to be aware of their rights, overcome outdated prejudices, and actively participate in social and political activities to affirm their status and roles.

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